United Nations A/HRC/25/49/Add.1

General Assembly

Distr.: General
3 March 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed* **

Addendum

Mission to Bosnia and Herzegovina (13 – 24 May 2013)

Summary

The Special Rapporteur in the field of cultural rights made an official visit to Bosnia and Herzegovina from 13 to 24 May 2013 at the invitation of the Government.

The purpose of her visit was to assess, in a spirit of cooperation and dialogue, both the achievements of Bosnia and Herzegovina and the challenges remaining in the implementation of cultural rights, understood as rights of all persons to express their identities and to have access to, participate in, and contribute to cultural life in all its aspects, without hindrance or fear.

The Special Rapporteur addressed a number of key issues relating to cultural rights, focusing on access to cultural heritage, the writing and teaching of history, memorialization processes, particularly through memorials and monuments, and the measures taken to ensure the free interaction of people, irrespective of background and status, through education, culture and the arts, sports and science.

* Late submission.

** The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

GE.14-11722

1411722

Please recycle

Annex

[English only]

Contents

		Paragraphs	*Page*
I.	Introduction	1 – 3	3
II.	General context: legacies of the conflict and impact on cultural rights	4 – 25	3
	A. Political and administrative structure	4 – 14	3
	B. Population and identity	15 – 18	5
	C. Over-emphasis on ethnic, linguistic and religious affiliations	19 – 25	6
III.	Normative and institutional framework	26 – 36	7
	A. International framework	26 – 27	7
	B. National framework	28 – 36	8
IV.	Realizing cultural rights in Bosnia and Herzegovina: specific issues	37 – 96	9
	A. A segregated school system	37 – 50	9
	B. Common core curriculum	51 – 58	12
	C. The writing and teaching of history	59 – 69	13
	D. Academic freedoms and the autonomy of academic and cultural institutions	70 – 73	16
	E. Promoting cultural activities and interaction outside of schools	74 – 79	16
	F. Reconstruction and memorialization processes	80 – 96	17
V.	Conclusions and recommendations	97 – 112	20

I. Introduction

1. The Special Rapporteur in the field of cultural rights visited Bosnia and Herzegovina from 13 to 24 May 2013 at the invitation of the Government. She visited Sarajevo, Mostar, Stolac, Jajce, Banja Luka, Brčko and Srebrenica. She met with a number of senior government officials at the level of the State, the two entities and Brčko District, as well as with senior cantonal and municipal officials responsible in the areas of culture, science, education and youth affairs. She also met representatives of the Commission to Preserve National Monuments, established under annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina, the institution of the Human Rights Ombudsman, directors of cultural and educational institutions, artists, academics, civil society representatives, United Nations agencies and other international organizations. She visited several schools and memorials.

2. Thorough discussions were held with all interlocutors on the successes and challenges in implementing cultural rights in the country, particularly with regard to history teaching, memorialization issues, participation in cultural life and the freedom of cultural institutions. The Special Rapporteur considered these issues with a view to assisting the Government and other relevant actors in their efforts to address the challenges and obstacles they meet in this regard.

3. The Special Rapporteur thanks the Government for the invitation to undertake the visit, which enabled her to deepen her understanding of issues relating to her mandate, including the teaching and writing of history, and memorialization processes in post-conflict and divided societies.[1] She expresses her gratitude to all those who have given her the benefit of their time and expertise.

II. General context: legacies of the conflict and impact on cultural rights

A. Political and administrative structure

4. Bosnia and Herzegovina declared its independence from the Socialist Federal Republic of Yugoslavia in March 1992. Three and a half years of armed conflict followed, ending with the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) and the annexes thereto in December 1995. Annex 4 to the Agreement established the constitutional framework of Bosnia and Herzegovina. Annex 6 addressed the issue of human rights protection, referring to, among other international instruments, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

5. Annex 8 to the Dayton Agreement contains the Agreement on the Commission to Preserve National Monuments, demonstrating the vital importance of cultural heritage matters in the post-conflict period. Significantly, from the outset of the war, monuments, cultural institutions such as museums and libraries, and mosques and churches were heavily and deliberately shelled as the symbols of the "others", their ideology or faith, as were other institutions closely associated with the former Yugoslavia.

[1] See A/68/296 and A/HRC/25/49.

6. The Dayton Agreement created three separate autonomous regions, namely, the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District, while the Washington Agreement, signed in 1994, established the canton system at the level of federation. The Dayton Agreement did end the war but, in the process, together with the Washington Agreement, it established a complex political and administrative structure that has resulted in serious challenges for consensus-building and decision-making today. The country has 14 administrative jurisdictions (State level, two entities, Brčko District and 10 cantons in the Federation), and a plethora of ministries and governmental agencies. As stressed by the High Representative responsible for overseeing the implementation of the civilian aspects of the Agreement, between January and October 2013, not a single new law was adopted at the level of the State.[2] The Special Rapporteur hopes that current discussions on possible constitutional reform at the federation level will lead to a simpler and more efficient governance system, at least in that entity.

7. The lack of consensus, especially between the two entities, regarding the fate of the State of Bosnia and Herzegovina is the main contentious issue underlying current difficulties. The absence of a shared perspective on the future is grounded in deep disagreements regarding the past, in particular events of the two world wars and the 1992-1995 war. Divergent viewpoints of the past are used to justify different objectives in the present and the future. Bosniak political elites present the contemporary State of Bosnia and Herzegovina as the natural result of historical processes and essential for preventing violence against the Bosniaks and the narrowing of their living space. Likewise, Serbian political elites present the creation of Republika Srpska in 1992 as also rooted in past events and necessary for protecting the Bosnian Serb population against violence and for protecting their interests. Bosnian Croat parties also use historical events to legitimize their battle for more rights in similar fashion. "Bosnia and Herzegovina is confronted – like no other country – with the coexistence and competition of three official memory narratives and ethno-national identity constructions."[3]

8. This disagreement among political elites on the fate of the State results not only in direct challenges in carrying out State responsibilities, as provided for under the Constitution of Bosnia and Herzegovina; it also impedes the effective functioning of State institutions. It does not help that, in addition, some representatives of the Republika Srpska openly advocate for its independence and the dissolution of Bosnia and Herzegovina.[4]

9. Cultural institutions have been hijacked in this discussion, as exemplified by the current uncertainty surrounding the fate of seven major cultural institutions of Bosnia and Herzegovina: the National Museum, which had to close in 2012, as well as the National and University Library, the National Gallery, the Museum of History, the Film Archives Kinoteka, the Library for the Blind and Visually Impaired Persons, and the Museum of Theatre and Literature. These institutions were created by the pre-war Socialist Republic of Bosnia and Herzegovina, but were never accepted by all as the official State institutions after the conflict.

10. The Republika Srpska has established its own "mirror institutions", such as the Peoples' and University Library of Republika Srpska, the Library for the Blind and Visually Disabled, the Kinoteka in Pale and the Museum of Contemporary Art, sometimes upgrading former branches of one of the above-mentioned seven institutions or pre-existing

[2] S/2013/646, annex, para. 31.

[3] Nicolas Moll, "Fragmented memories in a fragmented country: memory competition and political identity-building in today's Bosnia and Herzegovina", *Nationalities Papers*, vol. 41, No. 6, November 2013.

[4] S/2013/646, annex, paras. 6 and 18.

smaller institutions. Some of these cultural institutions in Republika Srpska contest that the above-mentioned seven institutions should be the nation-wide "State institutions", advocating instead for parallel institutions in both the Federation of Bosnia and Herzegovina and Republika Srpska, with dual membership in international organizations, such as the International Federation of Library Associations and Institutions. Cultural institutions in Republika Srpska receive financial support from the Government of Republika Srpska for their operational part and salaries, and seem to be functioning well.

11. The Ministry of Civil Affairs provided funds to the above-mentioned seven institutions until 2010. Institutional funding was replaced by project grants in 2012. This new financing modality enabled the funding of projects developed by Republika Srpska cultural institutions on an equal basis with the above-mentioned institutions. The latter, however, no longer receive operational costs or salaries owing to the controversy over whether the State or the Federation of Bosnia and Herzegovina should finance them. As a result, they are struggling to keep their collections protected and their doors open.

12. The Special Rapporteur met with representatives of many of these institutions in both Sarajevo and Banja Luka, and expresses her concern at the fate of the seven institutions, their collections and, consequently, the opportunities for people of Bosnia and Herzegovina to have access to and enjoy their own cultural heritage. The Special Rapporteur received testimonies that cooperation works well between some institutions across the entities, for example, between the Contemporary Art Museum of Banja Luka and the National Gallery of Sarajevo, enabling Bosnia and Herzegovina to be represented at the Venice Biennale in 2013 after a long absence. This is not, however, always the case, and relations between the two libraries do not seem satisfactory. While the Sarajevo Library continues to send a copy of its deposit collection to the Banja Luka Library, the latter does not reciprocate.

13. The Special Rapporteur notes with interest that, in November 2013, the Federation Government decided to temporarily take responsibilities for five of the seven above-mentioned institutions (all except the National Museum and the Kinoteka) and to co-finance them until a permanent decision is adopted at the State level to resolve their status. This is a welcome development.

14. The Special Rapporteur was also informed that the status and fate of other prominent cultural institutions remain uncertain, such as the Olympic Museum in Sarajevo, which was heavily targeted during the war, together with its sports installations, and the Anti-Fascist Council of National Liberation of Yugoslavia (AVNOJ) Museum in Jajce. Many see these two institutions as testimonies of the history of Yugoslavia.

B. Population and identity

15. In Bosnia and Herzegovina, the main population groups, which were also the parties to the conflict, are those termed by the Dayton Agreement as "constituent peoples": Bosniaks, Croats and Serbs. Today, most Bosniaks and Croats live in the Federation of Bosnia and Herzegovina, while most Serbs live in Republika Srpska. Generally, most Bosniaks are Muslim, Croats are Roman Catholic and Serbs are Orthodox Christians. Seventeen recognized national minorities in the country constituted less than 1 per cent of the population in the 1991 census.[5] They comprise Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenes, Turks and Ukrainians.

[5] A/HRC/22/49/Add.1, para 4.

16. All persons falling outside the "constituent peoples" categories are classified as "others" in the Dayton Agreement. This classification is problematic. In addition to the 17 recognized national minorities, it includes other national, ethnic, religious and linguistic groups, as well as persons of mixed descent who do not self-identify as one particular ethnic group, and those who identify themselves as Bosnian.

17. Tensions over identity issues delayed the latest census of population and households, which was finally conducted in October 2013 as the first post-war census; the full results of the census will be published in 2014. The authorities should be congratulated for this important achievement, as it will enable the country to attain a better understanding of the impact of the war on all population groups and their distribution and numbers within the country, which has undergone significant changes since the war.

18. During the Special Rapporteur's visit, the questionnaire envisaged for the census was being discussed, regarding in particular the identification of national/ethnic and religious backgrounds. The Special Rapporteur is pleased to note that, in the questionnaire used for the census, national/ethnic identity has not been fused with religious identity, and that persons were not required to declare their affiliations. Semi-open questions on national/ethnic affiliation, religious affiliation and mother tongue allowed for a variety of responses beyond Bosniak, Croat and Serb.[6]

C. Over-emphasis on ethnic, linguistic and religious affiliations

19. Many international and European human rights mechanisms have expressed serious concern regarding the over-emphasis on ethnic, religious and linguistic affiliations in the country's constitutional and legislative framework, as well as in policies applicable at the various levels of the State and entities.[7]

20. Ethnicity, religion and language have become prominent group markers and dividing lines in society, accentuated by the conflict and perpetuated through the Dayton Agreement, which divided the country largely along ethnic, religious and linguistic lines. De facto impediments to freedom of movement resulting from, for example, the fragmented system of administration and education, obstruct interaction between people and deepen mistrust between communities. Such divisions constitute a serious obstacle to social cohesion, and are conducive to violations of cultural rights, in particular, the right of each person to manifest her/his own identity, to participate (or not) in particular aspects of cultural life, and to have access to one's own cultural heritage, as well as that of others. Artificial boundaries have been created between peoples, and are being entrenched.

21. The hierarchy established between constituent peoples and others is not compatible with human rights standards, including in particular the principle of non-discrimination.[8] As noted by the European Commission against Racism and Intolerance, the emphasis placed in law and in practice on ensuring the full enjoyment of rights by persons belonging to one of the constituent peoples has placed all others at a serious disadvantage. This includes not

[6] See www.popis2013.ba/index.php/en/forms.html.

[7] See CCPR/C/BIH/CO/2 and A/HRC/22/49/Add.1. See also Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Bosnia and Herzegovina, 2008 (available from www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_2nd_OP_BiH_en.pdf), paras. 15, 16 and 120, and European Commission against Racism and Intolerance (ECRI), Report on Bosnia and Herzegovina, 2011 (available from www.coe.int/t/dghl/monitoring/ecri/country-by-country/bosnia_herzegovina/BIH-CBC-IV-2011-002-ENG.pdf), para. 141.

[8] CCPR/C/BIH/CO/2, para. 6.

only the recognized national minorities but also those not desiring to identify themselves with any single constituent people or national minority, such as children of mixed descent or those self-identifying as Bosnians. The latter, who try consciously to prevent imposed ethnic affiliations from superseding all other aspects of their identity, remain discriminated against, invisible in law and ignored in practice. The "others" simply do not enjoy genuine equality with other citizens of Bosnia and Herzegovina.

22. This framework, which overemphasizes national/ethnic and religious affiliations, has been used by some actors to pursue ethno-nationalistic agendas, to promote the false notion of hermetically sealed communities and to conduct segregation policies. Arguments based on the need to preserve and promote culture and to respect cultural rights are advanced to justify these divisions, and are especially worrying.

23. This is even more worrisome in the case of language. Each population speaks a separate although closely related language: Bosnian, Croatian or Serbian. These languages are mutually intelligible in most respects; indeed, before the war, they were collectively categorized as Serbo-Croatian. Serbian uses Cyrillic, one of two official alphabets. The insistence today by many actors on emphasizing and reinforcing the differences between these three languages, coupled with rhetoric on the right of each person to learn his or her mother tongue, is used to justify a segregated school system.

24. According to many interlocutors, the ethno-nationalist narratives of political leaders dominate the media. Frustration was expressed across the board that positive efforts are being blocked by senior decision-makers and politicians. A general assessment widely shared by interlocutors was that the political situation has been deteriorating since 2005-2006, and that every issue, in particular in the field of culture and education, has become politicized. One positive trend, however, is that people have asked the judicial system to step in, for example regarding the "two-schools-one-roof" system. Unfortunately, these court decisions remain unimplemented.

25. The Special Rapporteur underlines that the assistance of the international community has also had an impact on perceived identities, bringing with it the use of such terms as "ethnic groups" or "multiculturalism", which are seen by many as imported language satisfying the human rights "industry". The notion of "ethnicity" carries with it the idea that a group of people share specific physical features, which is not the case in Bosnia and Herzegovina: constituent people mainly guess the affiliations of others by asking their names.

III. Normative and institutional framework

A. International framework

26. Bosnia and Herzegovina is a party to United Nations instruments protecting cultural rights, including the two international covenants on human rights. It is also a party to important conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), such as the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Convention concerning the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The country has two sites on the World Heritage List.

27. Bosnia and Herzegovina is also a party to a number of cultural rights-related European treaties, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, the Framework Convention

for the Protection of National Minorities, the European Charter for Regional and Minority Languages and the Framework Convention on the Value of Cultural Heritage for Society.

B. National framework

1. Relevant constitutional provisions

28. The Constitution of Bosnia and Herzegovina stresses that the State and the entities are to ensure the highest level of internationally recognized human rights and fundamental freedoms (art. II (1)). A higher status is granted to "civil and political rights", as only the rights and freedoms set forth in the European Convention for Human Rights and its Protocols apply directly (art. II (2)). Article II (3) enumerates a number of human rights, some of particular relevance in the field of culture, such as freedom of thought, conscience and religion, freedom of expression, peaceful assembly and association with others, and the right to education. Additionally, the enjoyment of other rights enshrined in other international instruments, such as the International Covenant on Economic, Social and Cultural Rights, is to be assured for all persons without discrimination (art. II (4)).

29. The Constitution, in addressing the division of competencies between the State and the two entities, does not mention the field of culture as being of special interest to the State (art. III (1)). Since all governmental functions and powers not expressly assigned in the Constitution to the institutions of Bosnia and Herzegovina are be those of the entities (art. III (3)), it is assumed that the main responsibilities in the field of culture lie with the entities. Hence, at the State level, there is no minister for culture; instead, a Minister for Civil Affairs is mandated with a coordinating role in the field of culture.

30. Which institution is responsible for financing the implementation of international treaties as they relate to cultural rights is, however, unclear. The State is competent in the area of "finances of the institutions and for the international obligations of Bosnia and Herzegovina" (art. III (1)), while "each entity shall provide all necessary assistance to the Government of Bosnia and Herzegovina in order to enable it to honour the international obligations of Bosnia and Herzegovina" (art. III (2b)). It seems, therefore, that the State does have important responsibilities in terms of ensuring cultural rights beyond mere coordination.

31. It has been contended that unclear constitutional provisions impede the practical implementation of most conventions relating to culture in Bosnia and Herzegovina. Moreover, because constitutional provisions are silent on the issue of cultural rights of citizens in general, the cultural rights of national minorities seem to be more clearly defined and protected than those of other citizens.[9]

32. The constitutional provisions of entities must be taken into account. Article 4 of the Constitution of the Federation authorizes the cantons to create and implement cultural policies, introducing an additional layer of complexity to the decentralized governance of cultural matters. Furthermore, amendment XXXVII to that Constitution stipulates that education, religion, language, culture, traditions and cultural heritage constitute issues of vital national interest. Some cantons have added similar provisions to their own constitutions. Legislation on issues of vital national interest requires a two-thirds majority

[9] Jadran Antolović, GAP analysis of the existing legislation related to culture at all levels of government in Bosnia and Herzegovina, final report (by order of UNESCO), February 2012.

vote. A number of cantonal constitutions have further delegated the responsibility for adopting cultural policies to municipalities.[10]

33. The Constitution of Republika Srpska contains important provisions relating to freedom of cultural and artistic creation (art. 27) and expressing national affiliation and culture (art. 34). The Constitution makes it clear that cultural heritage is an issue of general interest to Republika Srpska and that the protection, preservation, use, improvement and management of cultural heritage are regulated by special laws.

2. Relevant laws and policies

34. The 2003 State law on national minorities was praised by representatives of minorities, who did complain, however, about its poor implementation. A strategy and a plan of action for Roma have also been adopted.[11]

35. In 2008, the Council of Ministers adopted a strategy on cultural policy in Bosnia and Herzegovina[12] and a plan of action for its realization in 2011. According to interlocutors, the strategy is not operational and should be given a boost. The entities have adopted their own cultural policy strategies, for 2010-2020 (Federation of Bosnia and Herzegovina) and 2010-2015 (Republika Srpska).

36. Debates are ongoing regarding the adoption of a framework law on culture, both at the level of State and of the Federation of Bosnia and Herzegovina. To date, however, such legislation has not been adopted. A number of cantons have adopted a law on culture.

IV. Realizing cultural rights in Bosnia and Herzegovina: specific issues

A. A segregated school system

37. A number of international and European human rights mechanisms have expressed deep concern regarding the segregated school system established in Bosnia and Herzegovina, operating through both the "two-schools-under-one-roof" system and mono-ethnic schools.[13] The issue, therefore, is not new, and the authorities are fully aware of its depth. No reform has, however, been possible, owing to the inability of the fragmented governmental system to take action, the politicization of education issues and the mistrust between communities. The over-emphasizing of cultural differences, including linguistic differences, is used to justify practices that enforce the segregation of students based on ethno-national affiliation. The Special Rapporteur stresses that this is a serious misinterpretation of cultural rights, which must not be used under any circumstances to justify segregation policies.

---

[10] Ibid.

[11] See A/HRC/22/49/Add.1.

[12] See MDG Achievement Fund, Improving Cultural Understanding in Bosnia and Herzegovina, June 2012, at www.mdgfund.org/program/improvingculturalunderstandingbosniaandherzegovina.

[13] See A/HRC/22/49/Add.1, paras. 98-101, CRC/C/BIH/CO/2-4, paras. 29 and 30, CERD/C/BIH/CO/7-8 and E/C.12/BIH/CO/2, para. 33. See also the report of the Commissioner for Human Rights of the Council of Europe following his visit to Bosnia and Herzegovina on 27-30 November 2010, CommDH(2011)11, paras. 25-32 and 62-63; and Council of Europe Advisory Committee on the Framework Convention (see footnote 7), paras. 166-173.

1. Two-schools-under-one-roof system

38. The Special Rapporteur is concerned at the two-schools-under-one-roof system, by which children from different ethnic groups attend classes in the same building but are taught in segregated sections, have different curricula and rarely mix within the school environment. Institutional arrangements render it virtually impossible for pupils to interact, even in the playground. The schools have separate administrative bodies, school boards, parents' and student councils, as well as student clubs, for such activities as sports or theatre. This system operates in 54 schools in three cantons of the Federation of Bosnia Herzegovina, in municipalities with mixed Bosniak/Croat population. Sixteen have now been administratively unified under pressure from the international community.[14]

39. Many of these schools were formed to accommodate returnee children in school buildings catering to the dominant ethnic group of the area in the wake of the reconfiguration of population demographics caused by the conflict. Conceived of as a bridging step, the schools became cemented and are now justified by some as a means to protect the right of children to learn in their mother tongue.

40. Some initiatives have been undertaken to suppress the two-schools-under-one-roof system. In 2010, the Federation Parliament of invited the cantonal ministries of education to take the measures necessary to bring the system to an end before the beginning of the new school year, but was unsuccessful.[15] In April 2012, the Mostar Municipal Court ruled that the two-schools-under-one-roof system operating in the towns of Stolac and Čapljina was illegal and discriminatory. It ordered the Education Ministry of the Herzegovina – Neretva canton to end the practice by the start of the new school year. The judgement is yet to be implemented.[16] In August 2012, the Ministry of Education of the Federation of Bosnia and Herzegovina outlined a two-year plan to end segregation, although strong political resistance at the local levels is likely to hamper progress.[17]

41. The Ministry of Education of the Herzegovina – Neretva Canton explained to the Special Rapporteur that municipal councils resisted implementing the ruling, but that efforts were being made at the cantonal level to move forward. The Special Rapporteur also met the Mayor of Stolac, and agreed with him that the two-schools-under-one-roof system was often used as the symbol of the country's segregated educational system, although mono-national/ethnic schools, which are equally problematic, are far more numerous (see paras. 44-47 below).

42. The two-schools-under-one-roof system exemplifies how divisions between children based on their national or ethnic affiliation become entrenched by establishing different entrances and staircases, erecting walls and fences, and even scheduling a 15-minute gap at recess and the start and end of school. It is disturbing to see how those schools deliberately seek to prevent any kind of interaction between children. Multiplying joint activities and integrating these schools should be easy to organize; all that is lacking, clearly, is political will. Reforming the system should pave the way for broader reforms to address the mono-national/ethnic schools system throughout the country. In the Stolac school she visited, the Special Rapporteur met the directors of both the Bosnian and the Croat wings, and felt the necessity of building trust among the various communities through joint activities. She was pleased to note in this regard the joint drawing exhibit organized at the time of her visit by

[14] See Organization for Security and Cooperation in Europe (OSCE), Finding Long-term Solutions for the Elimination of Discrimination, Assimilation and Segregation (available from www.oscebih.org/documents/osce_bih_doc_20101222163651 35eng.pdf), p. 1.

[15] Report of the Commissioner for Human Rights of the Council of Europe (see footnote 13), para. 28.

[16] See also S/2012/813, annex, enclosure, para. 63.

[17] A/HRC/22/49/Add. 1, para. 75.

the directors, who were considering further joint activities, as well as a joint "peace garden" being created by the two student bodies. These are small but important steps in the right direction.

2. Mono-national/ethnic school system

43. Fewer than 6 per cent of all pupils are enrolled in the two-schools-under-one-roof system, the vast majority being educated in mono-national/ethnic schools in both the Federation and Republika Srpska. Curricula, school environments and practices throughout the country ensure that schools cater largely or solely for the ethnic majority in municipalities, with parents forced to choose between having their children face assimilation in the local school or enrolling them in a distant school with a different ethnic majority.[18] This is of great concern to the Special Rapporteur, as children in these schools are denied opportunities to meet children of a different ethnic/linguistic background. It also means that children with a culturally diverse heritage only have access to one part of their cultural heritage.

44. This separation touches not only general education schools but also, for example, medical and engineering schools, as in Mostar, where the Special Rapporteur was informed of the planned merger of secondary schools of music, which would be an excellent initiative.

45. The right of pupils to learn in their mother tongue and the right of parents to choose their child's school are often advanced in defence of the current segregated education system, be it through the two-schools-under-one-roof school or mono-national/ethnic schools. The Special Rapporteur notes, however, that the implementation of such rights is not dependent on establishing a segregated school system, as evident in many other countries. Furthermore, the choice of parents cannot be real in a situation where options are limited to either a mono-national/ethnic school of their own affiliation or a mono-national/ethnic school of others' affiliation. In practice, this discriminates against parents wishing their children to enjoy a pluralistic culture.

46. The Special Rapporteur is disconcerted by the fact that some neighbouring countries of Bosnia and Herzegovina support mono-national/ethnic schools (for people sharing their own national/ethnic affiliation)[19] or support one side of a two-schools-one-roof school, leading to striking discrepancies either between mono-national/ethnic schools or between the two wings of a two-schools-under-one-roof school.

3. Integrated schools

47. During her visit, the Special Rapporteur learned of efforts to establish integrated schools. She visited the First Gymnasium of Sarajevo, where classes are offered in the three languages of the constituent peoples. She also visited the Gymnasium of Mostar, which was re-organized as a joint reintegrated school in 2004. These remain isolated examples, while the Special Rapporteur was informed that many more students would like to attend such gymnasiums.

48. Unfortunately, to date (in particular in the case of the Gymnasium of Mostar, which the Special Rapporteur had more time to study), integration is minimal: only one class is held in common (information technologies, owing to the strong demand by the company from Japan that offered the computers), while all other subjects remain divided between the

[18] OSCE, Finding Long-term Solutions (see footnote 14), p. 1.

[19] See also Council of Europe Advisory Committee on the Framework Convention (see footnote 7), para. 170.

Bosnian and Croat curriculum, including, for example, mathematics. In general, pupils from west Mostar choose the Croat curriculum, while pupils from the east select the Bosnian curriculum. According to interlocutors, nothing more can be done by the city and school, since cantonal and pedagogical decisions regarding curriculum content must be followed. A common curriculum simply does not exist, including in the said integrated schools. Hence, further efforts are completely blocked owing to the operative political and administrative environment.

49. Nevertheless, joint extracurricular activities such as sports have started, and administrative bodies, such as teachers', parents' and students' councils, have been integrated, easing interaction and the organization of joint activities like competitions. Still, pupils reported a lack of connectedness across communities and expressed their desire for enhanced joint activities. Teachers organize theatre clubs separately, without sharing information with students from other communities on how to join. In addition, organizational arrangements obstruct interaction: there is no cafeteria, so shared meals are not possible. Pupils from the primary school attend in the morning, while pupils in the secondary attend in the afternoon. It is interesting to note, in contrast, that students themselves have organized initiatives outside of the school to interact, for example bridge-building events outside their school premises and on the Mostar bridge. The Special Rapporteur recommends that they receive robust support for such activities.

50. The system put in place in Brčko is often presented as a good model of integrated schools, where the pupils from different communities attend school together and mainly receive instruction in their own languages in the same classroom. According to the Education Law of Brčko District, "the Bosnian, Croatian and Serbian languages, and the Latin and Cyrillic alphabets, shall be used in equal terms in the realization of curricula and facultative activities in primary and secondary schools" (art. 9). The law stipulates that students have the freedom to express themselves in their own language, and that school documents are to be issued in the language and alphabet requested by a student or parent. In class, only the blackboard is divided, enabling teachers to use both the Latin and Cyrillic scripts and to show the differences existing between the various languages.

B. Common core curriculum

51. Separated classes facilitate, and are seemingly aimed at, teaching a non-harmonized curriculum and various narratives, in particular related to "national groups of subjects" – language and literature, nature and society, religious instruction, geography and history.

52. For more than a decade, many steps, supported by the international community, have been taken to develop a common core curriculum to reduce differences of perspectives among students and to promote mutual knowledge and understanding. In 2003, the State Framework Law on Primary and Secondary Education provided for the development of a common core curriculum for all public and private schools, consisting of "the curricula and syllabi of all subjects of primary and general secondary education in Bosnia and Herzegovina that have as broad an agreed common core as possible" (art. 42). All Ministers for Education pledged to introduce the common core curriculum under their jurisdiction in the 2003/04 school year.

53. Unfortunately, an assessment widely shared in the country is that the reform did not bring about significant progress. The main curricula currently used in Bosnia and

Herzegovina reportedly retain a strong ethnic slant, primarily in the "national groups of subjects".[20]

54. One obstacle frequently mentioned by interlocutors was the deep system-wide politicization of education. The perspective of stakeholders with regard to the education system is quite worrying; they consider that most people on school boards are politicians, view school boards as an extended arm of political parties, and believe that school funding is based on political affiliation. Municipalities appoint school boards, which in turn appoint school directors, who then hire teachers. An issue requiring attention is the fate and prospects of teachers who may become redundant and risk losing their jobs following curriculum harmonization and the reunification of the school system, bearing in mind also decreasing population growth.

55. During her visit, the Special Rapporteur met representatives of a national network of student councils demanding a uniform school system. She also had the opportunity to attend a demonstration of high school students, organized in Sarajevo with the support of the Youth Communication Club, which links around 292 student councils across the country. Demonstrators asked the ministries of education many questions, including regarding when a harmonized curriculum would be available for all schools in the country.

56. The High Representative for Bosnia and Herzegovina also reported that the start of the school year in September 2013 was accompanied by disputes over the curricula being used in a number of schools in Republika Srpska where there had been a significant number of Bosniak returnees. Parents and pupils boycotted classes at a number of schools. The High Representative stressed that "the problem underlying the protests is not unique to Republika Srpska. It reveals the failure of the competent authorities in Bosnia and Herzegovina in the past 11 years to find a permanent, countrywide solution, which would guarantee children's equal rights to education".[21]

57. Although the common core curriculum is better developed in Brčko, culture, language and history remain highly sensitive issues; officials there reported that they exercised caution "to preserve the different characteristics of groups, while bringing them round to universal values". Classes are separated only for language and religion. Language classes, which are separated starting from the sixth grade, study national authors, including those from other constituent peoples. The Brčko District authorities do not view their system as ideal, and are making efforts to improve it. Teachers confirmed that progress in integration was not satisfactory.

58. Differences in the curricula seem to create a general feeling in the community that children are being educated to become "little ethnic soldiers". Many interlocutors opined that children of "the other community" were being raised "as enemies". The Special Rapporteur believes, however, that a thorough study may be necessary to assess the extent to which this is the case.

C. The teaching and writing of history

59. According to various observers, in Bosnia and Herzegovina, "the different perspectives of history that the pupils are taught in schools seem to generate more divisions

[20] Clare Magill, Education and Fragility in Bosnia and Herzegovina, UNESCO and the International Institute for Educational Planning, 2010 (available from www.iiep.unesco.org/fileadmin/user_upload/Info_Services_Publications/pdf/2010/Bosnia-Herzegovina.pdf), p. 37.

[21] S/2013/646, annex, para. 88.

and ethnic discrimination. Although there has been progress in eliminating explicit hate speech from history and geography textbooks, significant differences in history teaching still exist and cause serious concern."[22]

60. During and following the 1992-1995 war, school curricula were divided into three different and often conflicting versions of history. Immediately after the war, teams of international experts reviewed all textbooks in order to delete references considered to be offensive. The exercise was not without problems. Text correction entailed deleting or blackening out entire sentences, including, for example, references to "genocide" and "aggression" in the textbooks used in the Federation, without, however, proposing any alternative language to describe traumatic events.

61. In April 2005, all Ministries of Education, with the strong support of OSCE and the Council of Europe, adopted a set of guidelines for writing and evaluating history textbooks for primary and secondary schools in Bosnia and Herzegovina (www.coe.ba/pdf/History_Report_22_April_05.pdf).[23] The guidelines are considered a huge step towards the elaboration of scientifically based and objective textbooks that apply the principle of the multi-perspective, thereby enabling children to learn tolerance and encouraging the development of critical thinking. A new and substantially improved generation of textbooks has now been published in accordance with the guidelines. Furthermore, a teacher's manual on contemporary history teaching in schools was developed, published and distributed to schools.

62. Nevertheless, it appears that history textbooks still feature a national/ethnic bias.[24] A comprehensive study conducted to analyse history textbooks published in 2007/08 demonstrated that all Croatian-language history textbooks for the primary school curriculum presented history as the history of Croats; all history textbooks for the primary school curriculum in Republika Srpska predominantly presented history as the history of Serbs; and some (but not all) history textbooks under the framework curriculum for the compulsory nine years of primary education in the Federation of Bosnia and Herzegovina presented history as predominantly the history of Bosniaks.[25]

63. Teaching about the 1992-1995 war remains one of the most problematic areas for history teachers in Bosnia and Herzegovina today. It is still a sensitive, highly politicized issue; indeed, some history textbooks make no reference to it at all.[26] When references are included, they are mostly one-sided or manipulated to create segregated identities.[27] Many interlocutors, including teachers, stressed that they still try to avoid addressing the war.

64. Textbook policies vary between the entities. In Republika Srpska, a single textbook per grade is published and approved, even though the Special Rapporteur was assured that modern textbooks together with additional material are made available to students to develop their critical thinking. She was also informed that, since 2007, vocational schools

---

[22] Report of the Commissioner for Human Rights of the Council of Europe (see footnote 13), paras. 26-27.

[23] See OSCE, Modernizing History Teaching (textbooks and curriculum), available from www.oscebih.org/documents/osce_bih_doc_20101222163944 66eng.pdf.

[24] ECRI, Report on Bosnia and Herzegovina (see footnote 7), para. 65.

[25] Heike Karge and Katarina Batarilo, Modernization of History Textbooks in Bosnia and Herzegovina: From the Withdrawal of Offensive Material from Textbooks in 1999 to the New Generation of Textbooks in 2007/2008, Georg Eckert Institute for International Textbooks Research, July 2008. Available from www.gei.de/fileadmin/bilder/pdf/Projekte/SOE_StabiPakt/KB_eng_2012.pdf.

[26] Magill, Education and Fragility (see footnote 20), p. 38.

[27] Adila Pašalić Kreso, "The war and post-war impact on the educational system of Bosnia and Herzegovina", *International Review of Education*, vol. 54, nos. 3-4, 2008.

too have been working with a new generation of textbooks that address history from diverse perspectives and are drafted by authors of various nationalities. In Republika Srpska, the only publishing and printing company, created in 1993 and owned by the Government, has the monopoly of the textbooks market.

65. In the Federation of Bosnia and Herzegovina, three textbooks are officially approved for each grade. Textbooks can be chosen by individual teachers, in consultation with colleagues, or the decision may be made for them at a higher level, namely, by the Pedagogical Institute or the Ministry of Education. The Special Rapporteur was informed during her visit, however, of a recent decision to accredit only one history textbook, which would introduce a multi-perspective approach, starting from the eighth grade, although cantons with a Croat majority have shown resistance.

66. The Special Rapporteur does not believe that having a single history textbook for each grade in each entity is a good step; she recommends that several good quality textbooks be offered instead. As explained in her thematic report on the writing and teaching of history (A/68/296), a multi-perspective approach can ensure that every event is shown, by way of historical sources, from the perspective of others. In particular, when the historiography of each group provides a very different viewpoint and is closely linked to a political agenda, publishing the historical sources and supplementary teaching material is a reasonable way of presenting sensitive issues and of promoting critical thinking.

67. During her visit, the Special Rapporteur learned of a pilot project conducted under the auspices of OSCE and supported by the Council of Europe, proposing to focus on learning outcomes in history from the sixth to the ninth grade. She believes the project is a very good initiative.

68. The current political environment does not seem to be conducive to progress on this issue. For example, on 27 June 2013, the Republika Srpska National Assembly adopted a declaration on the causes, character and consequences of the tragic armed conflict in Bosnia and Herzegovina from 1992 to 1995. In the document, the Assembly criticized the work of the International Criminal Tribunal for the former Yugoslavia, the Court of Bosnia and Herzegovina and the Bosnia and Herzegovina Prosecutor's Office, blaming the war on the "domination of the Serb people in Bosnia and Herzegovina". Bosniak politicians reacted by labelling the declaration discriminatory and a falsification of history.[28] This episode underscores the extreme importance of ensuring that historians, academics and schoolteachers enjoy academic freedom, without interference by politicians (see paras. 70-73 below).

69. According to information received, the teaching of literature serves as an important means for nationalistic ideologies to build opposing narratives (including historical ones), dramatically affecting children's perceptions of each other. Nationalistic ideologies rely on legends, language, national symbols, territories and enemies, and literature can be a very pervasive tool, even though its impact is frequently overlooked. Novelists, poets and other writers enjoy the right to artistic expression and creativity.[29] Given that education is compulsory, however, the State and entities authorities should abide by their obligation to ensure that all educational content is in compliance with the 2003 Framework Law on Education (art. 3) and with international standards with regard to the objectives of education.

[28] S/2013/646, annex, para. 58.

[29] See A/HRC/23/34.

D. Academic freedoms and the autonomy of academic and cultural institutions

70. The Special Rapporteur heard many allegations that, all too often, nominations and appointments in cultural and educational institutions, including schools and universities, are motivated by political considerations. Political bodies have, in general, expanded their influence over cultural and educational institutions, which suffer from a lack of administrative independence and financial autonomy. For example, the Special Rapporteur is concerned at reports allegations that researchers in Republika Srpska are reluctant to participate in collaborative events and exchanges with historians from the Federation of Bosnia and Herzegovina for fear of losing their jobs or career opportunities, or of being refused future authorization to travel. In general, it was reported that academic freedoms are not sufficiently respected and promoted throughout the country. Allegations are quite serious; independent researchers unaffiliated to political parties reportedly encounter difficulties in their work, and scientific work is said to remain under the control of nationalist elites.

71. Interaction and cooperation are necessary between professionals and institutions in the field of culture and education, including among the two entities and the District. The Special Rapporteur commends the willingness of some professionals, institutions and civil servants to cooperate with each other, and is encouraged by the imaginative projects developed by civil society organizations and cultural institutions to overcome what they consider to be artificial divisions in the country. As long as cooperation remains informal, with no mechanisms and official policies to institutionalize this, however, people will feel restrained.

72. The Special Rapporteur believes that the systems put in place in both entities to fund art projects and cultural activities should be assessed and revised to ensure the right to freedom of artistic expression and creativity, as well as the autonomy of cultural and art institutions.

73. The degree of transparency in the election of members and directors of Steering committees of cultural public institutions is not considered adequate. Interlocutors stressed that selection is often selected based on political affiliation rather than professional skills.

E. Promoting cultural activities and interaction outside of schools

74. Throughout her visit, the Special Rapporteur addressed the issue of the spaces available for people to interact across communities, in particular for children and youth. Although some 110 cultural centres remain in the country, most have been neglected since the war and are in ruins. Some are being re-established.

75. The Special Rapporteur learned of a variety of competitions, exhibitions and festivals held throughout the country on a regular basis providing people with the opportunity to interact with each other. Interlocutors regretted, however the absence of a ministry for culture mandated to conduct cultural policies in a more thoughtful manner. They stressed that funds were scarce and that support, including from the international community, should be based on a long-term strategy rather than on the financing of single events.

76. Today, territories in Bosnia and Herzegovina are commonly identified as community-specific, with substantial consequences in terms of the space made available for interaction. Places such as cultural and art centres, city parks, sports grounds and facilities are needed in locations where, regardless of ethno-national affiliation, people will feel free to interact. In Mostar, for example, people do not travel "deep" into the area over the other

side, especially if they have not ventured there for years. Some young people, having never visited the "other side", imagine all sorts of situations. Other cities are also territorially divided, like Sarajevo and East Sarajevo. The Special Rapporteur hopes that the organization of the 2017 European Youth Olympics in Sarajevo will provide opportunities to proactively develop spaces for interaction. She was pleased to learn that collaboration between the Mayors of Sarajevo (Federation of Bosnia and Herzegovina) and of East Sarajevo (Republika Srpska) has started in this regard.

77. Excellent initiatives promoting interaction between people are visible in both entities. In Republika Srpska, the Teddy Bear association conducts, with support from the entity's Government, activities, promoting interaction between rural and urban children. In Mostar, several civil society organizations are fully engaged in the field of sport, culture and art, promoting interaction among people from various communities. For example, the Mostar Blues festival, established in 2003, uses music to bring people together, and a number of institutions, such as the Rock School, use their talents to combat segregation proactively, challenging the perspectives offered by ethno-nationalistic agendas.

78. People in general and decision-makers in particular do not always value such actions in the field of culture or give them priority. The Special Rapporteur is convinced, however, that it is precisely at this level that significant changes can be achieved in Bosnia and Herzegovina. This is especially urgent, given that while some youth demand more spaces for interaction through art and sport, others have already developed a sense of mistrust and intolerance, and it is difficult to know how large either group is. Hate speech remains a worrying reality, as seen for example during football games in Mostar.

79. The Special Rapporteur wishes to underline that, since 1996, all associations for national minorities have attempted to find ways to establish centres, which they lack, to make minorities more visible. The centre for national minorities in Banja Luka was described as quite an exception.

F. Reconstruction and memorialization processes

80. Many efforts have been made throughout the country to reconstruct cultural heritage destroyed during the war, including mosques and churches. These are steps conducive to the return of refugees and displaced persons.

1. Commission to Preserve National Monuments

81. The Special Rapporteur met with members of the Commission to Preserve National Monuments, established under annex 8 to the Dayton Agreement to "receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as national monuments" (art. IV). Annex 8 defines a national monument as "movable or immovable property of great importance to a group of people with common cultural, historic, religious or ethnic heritage, such as monuments of architecture, art or history; archaeological sites; groups of buildings; as well as cemeteries" (art. VI).

82. The Commission has significant powers. According to annex 8, when the Commission designates property as a national monument, the entity in whose territory the national monument is situated "(a) shall make every effort to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property" (art. V.5). Commission decisions are binding, and override all others. The Commission, according to article 39 of its own rules of procedure, also determines the boundaries of immovable property designated a national monument and the "conditions for its protection".

83. The Special Rapporteur met with the two entity-level institutes for the protection of monuments, and appreciated their good cooperation. There was widespread discontent, however, regarding the level of cooperation between the Commission and the two institutes, meant to work together, and the delimitation of their respective competencies. The Special Rapporteur believes that disagreement stems from different objectives and approaches; the Commission aims to foster post-war reconciliation by designating property deemed to symbolize a people's identity as national monuments; its reconstruction work is a means of reparation for past wrongs. By contrast, the two institutes seek to preserve authentic monuments with high universal value that merit classification as national monuments.

84. Consequently, considerable criticism was levelled against the Commission for identifying undeserving property as national monuments. The surfeit of monuments identified as "national", it was felt, obstructs much needed development schemes. Moreover, the protection measures taken by the Commission are considered to be arbitrary and excessive, while local communities are not always aware of their full ramifications. More than 700 properties have been designated national monuments, creating difficulties in setting priorities and mobilizing funds. Some consider that the Commission has gone beyond its competencies, creating serious concerns, given that Commission decisions are final and not subject to appeal.

85. Given the lack of trust in the country, such criticism, even when well-grounded, may be interpreted as an attack against communities, a denial of the destruction that occurred in the past, and the pursuit of the war through other means. This is particularly the case when the institutes are mere departments of an entity's ministry, and therefore not seen as independent bodies.

86. The Commission informed the Special Rapporteur that it consults with the concerned communities and offers the option of reconstructing the property exactly as before; reconstructing in a larger or altered format; constructing something with a different function; or not reconstructing it at all. Consultations are welcome and, according to the Commission, in about 90 per cent of cases, people wish to reconstruct the same monument. Should communities select a modified structure, however, it is no longer a case of reconstruction but part of a new landscape.

87. In any event, be it through the Commission's process or otherwise, many people expressed deep concern that a new cultural landscape is being built in Bosnia and Herzegovina, with taller minarets and steeples in bigger mosques and churches, marking territories and competing for predominance.

2. Memorials and memorialization processes

88. The issue of memorials has caused much controversy in the country.[30] Memorialization activities are "characterized by a (mono)-ethnic approach, an insufficient institutional coordination, the lack of adequate and programmatic regulations, and the lack of conceptual understanding of the issue of memorialization in the context of transitional justice".[31] One major concern raised by stakeholders related to the frequently encountered "credit and blame" approach.

89. Memory entrepreneurs are diverse: numerous associations and private actors erect their own memorials, on private or public land, with or without prior authorization, and

[30] A/HRC/16/48/Add.1, para. 48.

[31] Dragan M. Popović, The Notion of Memorialisation and A New Approach to Memorialisation Practice in Bosnia and Herzegovina, UNDP, 2013, p. 6.

with or without financial support from the authorities. Authorities at all levels of government also intervene, depending on the national/ethnic, political and ideological content of the memorial activity. The international community, too, has been very active in this context.

90. The building of new memorials dedicated to the 1992-1995 war has a deep impact on the country's cultural landscape in ways that frequently clash with transitional justice principles. First, memorials are commonly used to mark one group's dominance over specific territories. Some memorials have been erected at places of return or at places where other communities suffered. For example, tensions were exacerbated by the construction of an Orthodox church on a disputed location near the Srebrenica-Potočari Memorial Centre,[32] where mass graves have been discovered.

91. Second, the memorialization process in the country is "characterized by the creation of new and deletion of old narratives" in "a relatively organized way", to show that the old narratives were inappropriate even in the past and did not meet the needs of the community as a whole or some parts thereof and, in particular, that "they do not correspond to the needs of the current appearance of the community as a result of the 1992-1995 armed conflict".[33]

92. The absence of a memorial may be equally problematic. For example, the Omarska camp in Prijedor, run by Serbian forces during the war and the site of mass murders and torture, remains unmarked, despite requests by survivors. The site is today a mining complex owned by Arcelor Mittal, which allows victims to conduct commemorative activities on the site for three hours every year on 6 August. The Special Rapporteur was informed that, while Bosnian and Croat members of the State Presidency had participated in these commemorations in 2012, no Serbian member had ever attended. By contrast, a memorial to fallen Serbian soldiers has been established in front of the camp. Furthermore, the site has been used as the filming location for a recent historical Serbian film production, which made no mention of the events of 1992-1995 and is seen by many as contributing to the denial of the traumatic events in the camp. According to interlocutors, victims and their families fear to speak up except in closed circles.

93. Memorialization processes are hindered as commemorative activities are sometimes rendered very difficult, for example around Srebrenica,[34] although interlocutors reported that the situation has improved.

94. The memorialization of those who risked their lives to save people from the other groups appear to be minimal, although interesting private initiatives have been undertaken to that end.[35]

95. The legal basis for erecting monuments is fragmented between the laws and regulations of entities, cantons and municipalities, and there is no framework law dealing with memorialization processes at the State level (though some laws regulate the issue within their own sphere).[36]

96. The transitional justice strategy for Bosnia and Herzegovina (2012-2016) drafted with the support of UNDP, involving the Ministries of Justice and of Human Rights and Refugees, has not yet been adopted. An important aim of the strategy is to ensure that memorialization processes are fully integrated into the broader framework of transitional

[32] S/2013/646, annex, para. 59.

[33] Popović, UNDP report (see footnote 31), p. 30.

[34] S/2013/646, paras. 60-61.

[35] Svetlana Broz, *Good People in an Evil Time* (New York, Other Press, 2004).

[36] Popović, UNDP report (see footnote 31), p. 27.

justice strategies, and that they develop a "public/educative" purpose, which they currently lack. In sections dealing specifically with memorials, the strategy proposes that a set of common standards and criteria be developed through a participatory process for both memorial monuments and commemorative activities. It envisages the creation of a national memorial to all the victims of war in Bosnia, and the construction of similarly inclusive memorials in every local community. It also recommends that an enacted framework law and policy at the State level fully regulate the issue. The Special Rapporteur hopes that such initiatives will be concretized.

V. Conclusions and recommendations

97. **Twenty years after the war, divisions between communities in Bosnia and Herzegovina are much greater at the political level than on the ground. People, especially youth, often express a desire to overcome divisions that they see as imposed on them on a daily basis, creating absurd situations.**

98. **While contrasting perspectives exist regarding the country's future and its political and administrative organization, the Special Rapporteur does not believe that such perspectives are irreconcilable. Building a common future for all citizens can be achieved while also addressing the concerns of those who fear being subjected to assimilation policies.**

99. **Too often, however, culture and education are hijacked by the rhetoric of difference, with an immense, detrimental impact on artistic, cultural, scientific and academic life in the country, and on the right of all persons, without discrimination, to enjoy their cultural rights and to have full access to their cultural heritage in all its rich diversity.**

100. **Cultural rights, including linguistic rights, have been seriously misinterpreted by a number of actors to justify policies of separation and the establishment of hermetically sealed communities. The right to be taught in one's mother tongue cannot justify segregation; no one should invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope. In particular, the three official languages and the two scripts officially recognized in Bosnia and Herzegovina must not be considered a reason for separation but rather an asset that facilitates communication and openness to others.**

101. **Irrespective of the country's current structure or its future, it is essential, from a cultural rights perspective, that people be free to have access to their cultural heritage as well as to that of others, to engage freely in cultural cooperation with others, both within and across localities and entities, and to leave, join and create new communities of shared cultural values. It is the responsibility of the authorities, at all levels, to ensure and respect cultural diversity within each community, as well as between communities.**

102. **A number of positive steps have been taken, despite the difficult political climate. Many efforts have been made in the area of education to establish a common core curriculum and new pedagogical methodologies. The authorities must also be congratulated for organizing the census of population and households in 2013.**

103. **The Special Rapporteur calls upon all stakeholders to urgently resolve the status of the seven major cultural institutions, enabling them to function without hindrance. She also warns against a system that would reinforce the divisions of people by confining cultural institutions to Bosnian, Croatian or Serbian cultural and artistic expressions and history, depending on the entity in which they are located.**

The various levels of government should create an environment conducive to cooperation and working relations among all cultural institutions, without interference from political actors.

104. **Reforming the education system to end the segregation of pupils according to national/ethnic affiliation in both the two-schools-under-one-roof system and mono-national/ethnic schools is vital and urgent. For this, efforts must be pursued to implement a common core curriculum and to increase the number of subjects in which children learn together, regardless of background, including in those labelled "integrated schools" (where in fact interaction is minimal). The Special Rapporteur recommends that:**

(a) Steps be taken to increase significantly the number of joint cultural activities between students across communities within two-schools-under-one-roof schools and between mono-national/ethnic schools;

(b) The right of all pupils and students to learn in their mother tongue and to have access to the cultural heritage of their particular community as well as those of all others be guaranteed. Children should learn the three official languages of Bosnia and Herzegovina, and both the Cyrillic and Latin alphabets, as necessary tools for full access to their cultural heritage.

105. **Neither history nor literature should be manipulated to indoctrinate students into believing in mutually exclusive and antagonistic identities.**

106. **Efforts should be increased to ensure a comparative and multi-perspective approach in history teaching, to develop a multi-voice narrative that acknowledges different viewpoints, and to promote critical thinking, analytic learning and debate among students.[37] The Special Rapporteur recommends that:**

(a) Authorities at all levels pursue their efforts to raise the quality of history textbooks;

(b) A wide array of textbooks by a range of publishers be accredited. The curriculum should allocate a certain amount of time (at least 30 per cent) for teachers to introduce supplementary material, especially primary historical resources, without prior approval by the ministry;

(c) Transparent approval and accreditation procedures and criteria for textbook selection be adopted, relying on expertise in history and pedagogy, not particular ideological and political requirements. Those procedures should include, for example, open tenders in which all publishers may bid equally, and independent expert committee reviews to ensure that textbooks meet required standards.

(d) Cooperation among researchers of various communities be envisaged and promoted, such as inviting them to review each other's textbooks for comments.

107. **The State and the entities should ensure that children have access to literature offering diverse viewpoints and mutual understanding.**

108. **Respecting, protecting and promoting academic freedoms across the whole territory of Bosnia and Herzegovina is vital. This includes the freedoms to choose research subjects, to have access to information, including archives, without discrimination, to collaborate and exchange views with others, to disseminate results**

[37] See A/68/296.

and to travel for such purposes. It is equally important that a better economic status be ensured for researchers. The Special Rapporteur recommends that:

(a) The authorities of the State and of entities proactively encourage (and refrain from discouraging) meetings between academics and researchers in all fields, including history;

(b) The authorities of the State and entities, and other relevant stakeholders, including the international community, pay particular attention to academic freedoms and the country's higher education system, which should be free from political interference.

109. **With regard to enhancing interactions among children and youth, what may not be immediately achievable inside classrooms can most certainly be achieved outside, through cultural events and systematized exchanges across communities. The Special Rapporteur recommends in particular that:**

(a) cross-community opportunities for engaging in activities in the field of culture, sports, science and arts be maximized through, for example, the rehabilitation of cultural and youth centres, and the creation of neutral spaces sheltered from politics and issues relating to ethno-national or religious affiliation. Such spaces should be established in locations where people feel free to come and interact;

(b) People associated with sports, in particular football teams and fan clubs, as well as artists in projects bridging communities, be engaged and supported.

110. **Institutions in the field of science and culture should be free to conduct their activities unencumbered by political agendas, and their independence guaranteed in law and in practice. The selection of cultural and art projects for public funding should be transparent and delegated to independent peer-review bodies.**[38]

111. **The Special Rapporteur recommends that the respective competencies and relationships of the Commission to Preserve National Monuments and the two institutes for the protection of monuments be clarified and revisited, and that the mandate of the Commission be integrated more clearly into transitional justice strategies. The independence of the Commission and of the institutes should be guaranteed.**

112. **Authorities have a key role to play for successful memorialization.**[39] **The Special Rapporteur recommends that:**

(a) Memorialization processes be fully integrated into the broader framework of transitional justice strategies;

(b) The steps regarding memorialization processes envisaged in the transitional justice strategy elaborated with the support of UNDP be implemented, in particular the enactment of a framework law and policy at the State level to fully regulate the issue;

(c) Stakeholders encourage processes of memorialization of those who refused to participate in mass or grave violations of human rights, resisted oppression and helped others across community divides.

---

[38] See A/HRC/23/34.

[39] See A/HRC/25/49.